

HOUSE BILL 761
By Odom

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 4, Part 1, relative to divorce.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-4-103(b), is amended by deleting the current language in its entirety and by substituting instead the following:

(b)

(1) No divorce shall be granted on the ground of irreconcilable differences unless the court affirmatively finds in its decree that the parties have made adequate and sufficient provision by written agreement for the custody and maintenance of any children of that marriage. If the court does not affirmatively find that the agreement is sufficient, the cause shall be continued by the court to allow further disposition by the petitioner. If both parties are present at the hearing, they may, at that time, ratify any amendments the court may have to the agreement. The amended agreement shall then become a part of the decree. The agreement shall be incorporated in the decree or incorporated by reference, and such decree may be modified as other decrees for divorce.

(2) In an action for divorce on the ground of irreconcilable differences, the parties may, but are not required, to prepare a written agreement for the equitable settlement of any property rights between the parties. If the parties submit such a written agreement, then no divorce may be granted unless the court affirmatively finds in its decree that the settlement of the property rights between the parties is equitable. If the court does not find that such agreement is equitable, the cause shall be continued by the court to allow further disposition

by the petitioner. If both parties are present at the hearing, they may, at that time, ratify any amendments the court may have to the agreement. The amended agreement shall then become a part of the decree. The agreement shall be incorporated in the decree or incorporated by reference, and such decree may be modified as other decrees for divorce.

(3) Nothing in this section shall be construed to impair the right of a party to a divorce on the ground of irreconcilable differences to present such party's case to the court concerning the equitable distribution of marital property pursuant to § 36-4-121.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.